

REMARKS

Claims 9-23 are pending in the application. Reconsideration and allowance of the pending Claims are respectfully requested in view of the following remarks.

Claim Rejections pursuant to 35 U.S.C. §102(e) and 35 U.S.C. §103(a)

Claims 9-13 and 15-21 were rejected pursuant to 35 U.S.C. §102(e) as being anticipated by U.S. Patent Publication No. 2003/0156097 to Kakiyama et al. (hereinafter "Kakiyama"). In addition, Claims 14 and 22-23 were rejected pursuant to 35 U.S.C. §103(a) as obvious in view of Kakiyama. Applicant respectfully traverses these rejections since each and every limitation in of the currently pending claims is not taught, suggested or disclosed by Kakiyama.

Claims 9-17

Claim 9 describes an obtaining section configured to obtain a content which includes a plurality of particular scripts and a shared script, each of said particular scripts being associated with a script identifier that identifies one of a plurality of types of electronic devices. On page 2 of the office action mailed July 25, 2007, it was apparently asserted that a content as described in Claim 9 was equivalent to a packet since a "packet is widely known to comprises (sic) control parts, besides data part, such as header, error correction parts that being (sic) by the intended receiver to process the received packet." If one accepts this asserted equivalence, it is immediately apparent that Kakiyama does not describe, and is wholly unconcerned with the contents of a packet. It is further immediately apparent that neither Kariyama, nor the assertions on page 2 of the office action mailed July 25, 2007 teach or suggest a content (or a "packet") that includes a plurality of particular scripts each being associated with a script identifier that identifies one of a plurality of types of electronic devices as described in Claim 9. In fact, the office action

mailed July 25, 2007 does not assert that Karihara meets these limitations, but rather simply disregards them completely. Accordingly, it is respectfully requested that the rejection of Claim 9 be withdrawn as improper. (See MPEP 707 and 37 CFR §1.104(b) and 37 CFR §1.104(c))

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987). In addition, a reference must describe a claimed invention sufficiently to place the claimed invention in the possession of one of skill in the art in the field of the invention. *Helifix Ltd. v. Blok-Lok Ltd.*, 208 F.3d 1339 (Fed. Cir. 2000). Applicant respectfully asserts that not only does Karihara fail to expressly or inherently describe a plurality of particular scripts each being associated with a script identifier that identifies one of a plurality of types of electronic devices, but also, Karihara fails to even mention "packets" as is apparently being asserted on page 2 of the office action mailed July 25, 2007. If the Office Action intended to assert that the Karihara inherently describes contents, or particular scripts each being associated with a script identifier that identifies one of a plurality of types of electronic devices, the burden of proof for inherency must be met. Specifically, in relying upon the theory of inherency, a basis in fact and/or technical reasoning must be provided to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art. MPEP §2112 (citing *Ex parte Levy*, 17 USPQ2d 1461, 1464 (Bd. Pat. App. & Inter. 1990) (emphasis in original)). In the office action mailed July 25, 2007, Applicant respectfully asserts that the Examiner's burden has clearly not been met.

Claim 9 also describes a control section adapted to select and execute a particular script included in said content obtained by said obtaining section, said particular script selectable with said control section in accordance with said device identifier stored in said storage, so as to obtain

data corresponding to said type of said electronic device. In the office action mailed July 25, 2007, there is no assertion that Karihara describes a particular script selectable with a control section in accordance with a device identifier stored in a storage, so as to obtain data corresponding to said type of said electronic device as described in Claim 9. To the contrary, on page 3 of the office action mailed July 25, 2007, it was apparently asserted that Karihara describes "scripts intended to be processed only at the mobile phone 12 or the navigation system 10." Even if these asserted portions were relevant to the limitations of Claim 9, Applicant has carefully reviewed the cited portions of Karihara and is unable to identify any discussion of scripts, or scripts intended to be processed only at the mobile phone 12. In addition, Claim 9 describes execution of a particular script that is selectable with a control section in accordance with *a device identifier stored in a storage*, so as to obtain data corresponding to said type of said electronic device. Karihara not only fails to teach or suggest execution of anything that is selectable in accordance with a device identifier stored in storage, but also fails to teach or suggest such an execution to obtain data corresponding to said type of said electronic device.

Claim 9 further describes a storage in which a device identifier to identify a type of said electronic device is stored. On page 2 of the office action it was asserted that a "mobile device is widely known to store ID for identifying itself within a network and ID(s) for identifying its communicated peripheral devices." Applicant respectfully asserts however that the limitations of Claim 9 do not describe a mobile device ID that may be widely known to identify a corresponding mobile device. To the contrary, Claim 9 describes a device identifier to identify a type of said electronic device. Clearly, an ID for identifying a mobile terminal within a network, and a device identifier to identify a type of an electronic device are entirely different. Even if the asserted "stored ID for identifying itself" could somehow be construed as equivalent to a device identifier

to identify a type of said electronic device, Karihara provides no teaching, suggestion or description of such limitations and official notice of such the factual assertion was not taken. Such factual assertions are not common knowledge as evidenced by the lack of any cited teaching or suggestion in the prior art of record. If the office action is taking official notice of these factual assertions, Applicant respectfully requests, pursuant to MPEP 2144.03(c), and to clarify issues for appeal, that adequate evidence be provided to support such factual findings. In addition, or alternatively, because the office action asserts facts that are not well known, and have no evidentiary support in the prior art, Applicant respectfully requests an affidavit from the Examiner to support these rejections. See MPEP 2144.04 and 37 C.F.R. 1.104(d)(2).

Also, in order to preserve issues for appeal, Claim 11 describes that each of said particular scripts are executable to obtain data corresponding to a respective one of said types of said electronic devices. None of the cited prior art describes a plurality of particular scripts that are executable to obtain data corresponding to a respective one of said types of electronic devices. To the contrary, Karihara is silent on anything that is executable to obtain data corresponding to a type of an electronic device. In fact, the office action mailed July 25, 2007 does not assert that Karihara meets the limitations described in Claim 11, but rather simply disregards these limitations completely. Accordingly, it is respectfully requested that the rejection of Claim 11 be withdrawn as improper. (See MPEP 707 and 37 CFR §1.104(b) and 37 CFR §1.104(c))

Claim 12 describes that said obtaining section is configured to receive said content that includes a plurality of scripts and a shared script via wired or wireless communication, and to store said received content in said storage. On page 3 of the office action mailed July 25, 2007, it was asserted that Figures 1 and 4 of Karihara described such limitations.

Drawings and pictures can anticipate claims if they clearly show the structure which is claimed. *In re Mraz*, 455 F.2d 1069, 173 USPQ 25 (CCPA

1972). However, the picture must show all the claimed structural features and how they are put together. *Jockmus v. Leviton*, 28 F.2d 812 (2d Cir. 1928). The origin of the drawing is immaterial. For instance, drawings in a design patent can anticipate or make obvious the claimed invention as can drawings in utility patents. When the reference is a utility patent, it does not matter that the feature shown is unintended or unexplained in the specification. The drawings must be evaluated for what they reasonably disclose and suggest to one of ordinary skill in the art. *In re Aslanian*, 590 F.2d 911, 200 USPQ 500 (CCPA 1979). MPEP 2125

In Figures 1 and 4 of Karihara, neither receipt of content that includes a plurality of scripts and a shared script, nor storage of such content is illustrated. To the contrary, Figure 1 of Karihara simply illustrates a connection between the interfaces of an in-vehicle device (10) and a cellular phone (12), and Figures 4a and 4b of Karihara illustrate transmission of display data therebetween. Moreover, Applicant has carefully review the specification of Karihara and can find no indication of storage of any form of content received over wired or wireless communications, and most certainly not content that includes a plurality of scripts and a shared script as described in Claim 12.

Claim 15 describes that said electronic device is either a mobile phone or a vehicle navigation device; and said plurality of particular scripts comprise a script only for said mobile phone and a script only for said vehicle navigation device. Karihara, on the other hand, fails to describe a content that comprises a script only for a mobile phone and a script only for a vehicle navigation device. In fact, such limitations are not asserted in the office action mailed July 25, 2007 to have been specifically met by Karihara, and are instead simply ignored. Thus, similar to Claims 9 and 11, it is respectfully requested that the rejection of Claim 15 be withdrawn as improper.

Claims 18-23

In addition to the previously discussed reasons, the method of Claim 18 describes in response to selection of said content by a user, specifying a particular script included in said obtained content. On page 3 of the office action mailed July 25, 2007, it was asserted that Claim 18 was rejected for the same reasons set forth in Claims 9-11 and 17. However, none of Claims 9-11 or 17 describe anything that is in response to selection of said content by a user as described in Claim 18. Thus, it is readily apparent that this limitation of Claim 18 was once again ignored, and Applicant respectfully requests that the rejection of Claim 18 also be withdrawn as improper. Similarly, the limitations of Claim 21 that describe a virtual indicator were also not present in any of Claims 9-11 or 17 and were completely ignored in the office action mailed July 25, 2007, thereby causing the rejection of the Claim 21 to also be improper.

On page 4 it was asserted that "Karihara does suggest that any content (ie mapping data) received by the mobile phone 12 from the service provide can be displayed at the mobile phone 12 on the in-vehicle navigation system (see page 2 [0028-0030] and the volume of a ringing bell or the speed of a vehicle is widely known to be provided to the user by the service provider." Applicant respectfully traverses these assertions. Firstly, Applicant has thoroughly reviewed the entirety of Karihara and can find no teaching or suggestion that mapping data is received by a mobile phone from a service provider. To the contrary, Karihara simply describes that display data is communicated between a cellular phone and an in-vehicle device so that the two displays will be the same. (paragraph 32)

Secondly, the assertion that "the volume of a ringing bell or the speed of a vehicle is widely known to be provided to the user by the service provider" is not only wholly unsupported

by Karihara, or any other cited reference, but is also quite simply not "widely known." If this is actually the taking of official notice, pursuant to MPEP 2144.03(c), Applicant respectfully a clear indication of such official notice on the record, and also requests production of an authority to support the assertions that information indicating the volume of a ringing bell or the speed of a vehicle is "widely known to be provided to the user by the service provider" are, in fact, well known due to the lack of any indication of such limitations in Kurihara, or any other cited reference, and Applicant's lack of knowledge of such an authority.

"Official notice unsupported by documentary evidence should only be taken by the examiner where the facts asserted to be well-known, or to be common knowledge in the art are capable of instant and unquestionable demonstration as being well-known." MPEP 2144.03 "It would not be appropriate for the examiner to take official notice of facts without citing a prior art reference where the facts asserted to be well known are not capable of instant and unquestionable demonstration as being well-known." Id. Moreover, Applicant respectfully asserts that the taking of official notice for the first time in a final office action should be rare (MPEP 2144.03), and thus respectfully requests an opportunity to respond to such assertions in a non-final office action. Further, that said virtual indicator is indicative of speed of a vehicle as described by the limitations of Claim 23 has also been completely ignored and thus also renders the rejection of Claim 23 improper.

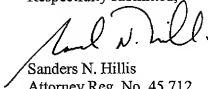
For at least the foregoing reasons, independent Claims 9 and 18, and the Claims dependent therefrom are patentable over Karihara, and Applicant respectfully requests withdrawal of the 35 U.S.C. §102(e) and 35 U.S.C. §103(a) rejections of the pending Claims. In addition, the presently pending claims of this application are allowable, and Applicant respectfully requests the Examiner to issue a Notice of Allowance for this application. Should the Examiner deem a telephone

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conference to be beneficial in expediting allowance/examination of this application, the Examiner is invited to call the undersigned attorney at the telephone number listed below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Sanders N. Hillis". The signature is fluid and cursive, with a long horizontal stroke at the beginning.

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